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The
The ABC's
of Proposed
Constitutional Changes

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Voters in November will vote to approve or reject four amendments to the South Dakota Constitution. Three of the proposed amendments are offered by the legislature. The fourth, Amendment A, was placed on the ballot by right of initiative.

This issue of the Economics Newsletter explains how the proposed changes differ from the present Constitution. Space limitations do not permit an examination of the arguments favoring and opposing passage of the various amendments. A more complete summary of the amendments, including the arguments, may be found in a series of three Extension Service publications which may be obtained at your County Extension Office. Ask for Fact Sheets 810, 811, and 812.

Amendment A

Three changes are proposed in the section of the Legislative Article which prescribes the constitutional rules for legislative apportionment.

-The Legislature must apportion its membership into as many districts as there are Senators. The Legislature may divide the senatorial districts into two House districts.

-Legislative districts must be compact and contiguous and as nearly equal in population as practicable.

-The South Dakota Supreme Court shall apportion the Legislature if the Legislature fails to complete the task

by December 1st in the year apportionment is required.

The present constitution does not stipulate a specific number of legislative districts nor does it require that the districts be compact or contiguous. It does state that the Legislature must complete the apportionment by the end of the regular session in the year following the last Federal Census. If the Legislature should fail to complete the task in the time allotted the Legislature shall be apportioned by the Governor, Supt. of Public Instruction, and the Presiding Judge of the Supreme Court.

The 1981 Legislature apportioned its membership into 28 legislative districts; 25 meet the single member district requirement of the proposal. Voters in the remaining 3 districts vote for more than 1 senator and 2 representatives. In District 2 (Brown County), voters elect 2 senators and 4 representatives. In District 3 (a portion of Minnehaha County including Sioux Falls), voters elect 5 senators and 10 representatives and in District 27 which includes Rapid City the voters elect 3 senators and 6 representatives. If the voters in November pass the proposed Amendment A, these 3 districts would have to be divided with one senator and two representatives elected from each redesignated district. The Legislature would have the option of changing the boundaries of all of the districts if the districts formed compact and contiguous limitations.

Amendment B

Three changes are proposed in two separate sections of the Education and School Lands Article.

-Fines collected for infractions of state law are presently sent from the counties to the State Treasurer. After a period ranging from 6 to 18 months, they are apportioned back to

the schools in the counties where the fines were initially collected. The proposed change would eliminate sending the funds to the State Treasurer. The fines would be apportioned directly to the schools by the County Treasurer.

-The interest rate on school land sold at public auction is stipulated in the present constitution to be 5%. In the proposed Amendment, the interest rate is no longer fixed, but is to be established by the Legislature.

-Land to be sold at public auction, according to the present constitution, must be advertised for 60 days in at least 3 newspapers of "general circulation, 2 of which shall be located in the vicinity of the lands to be sold, and one at the seat of government". This requirement would be deleted under the proposed Amendment and the provisions of a recently passed state law would apply.

Amendment C

The legislative convening date is proposed to be changed from the present first Tuesday after the first Monday in January to the second Tuesday in January. The first Tuesday after the first Monday falls on the dates of January 2 through January 8. The second Tuesday in January will fall on the 8th through the 14th.

Amendment D

At least six changes are proposed in the Legislative Article of the Constitution pertaining to games of chance (gambling).

-The present provision authorizing the Legislature to allow only religious, charitable and similar non-profit, public-spirited organizations to engage in games of chance, lottery, and gift type fund raising activities is deleted.

-The requirement that all net proceeds from games of chance be devoted to educational, charitable, patriotic, religious, or other public-spirited uses is deleted.

-The Legislature may authorize games of chance limited to wagering on coin operated gaming machines, bingo, lotteries, and card games.

-All fees and taxes must be collected by the State and deposited in the General Fund.

-The governing board of the county or municipality cannot issue a license for games of chance until the voters, in a local election by majority vote, have authorized the governing board to issue such license.

-The Legislature may enact legislation prescribing penalties, rules, regulations, etc. deemed necessary to enforce the section.

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